



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

271 Cadman Plaza East

Brooklyn, New York 11201

September 27, 2010

F.#2004R02728

By Hand and ECF

The Honorable Sterling Johnson, Jr.
Senior United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Nigel Brown v. United States
Docket No. 10 CV 2641 (SJ)

Dear Judge Johnson:

The government writes to respectfully note one salient fact in petitioner's most recent submission in support of his Section 2255 motion.

In that submission, petitioner responds to the government's papers showing that he falsely swore that he mailed his motion on March 28, 2010, a date within the statute's one-year filing limitation. Petitioner states that he did, indeed, mail the motion within the one-year period, but now swears that he did so on March 23, 2010 – five days prior to the date he previously swore to.

That petitioner can't keep his lies straight lends further support to the government's initial submission demonstrating that the defendant's motion was untimely.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

By: /s/
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cc: Nigel Brown (by Certified Mail)